

5939

STATE OF ALABAMA

SHELBY COUNTY

Before me, W. L. Harrison, the undersigned authority in and for said County in said State, personally appeared C. R. Tinney, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is C. R. Tinney. I am 71 years of age and have lived in Columbiana, Alabama, all of my life. I am the owner of the following described lands:

A lot in the town of Columbiana in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, Township 21 South, Range 1 West, more particularly described as follows: Commencing at the point of intersection of the south line of East College Street and east line of Main Street and run in an easterly direction along the south margin of East College Street 119 feet, more or less to northwest corner of lot known as Dycus Garage lot; thence run in a southerly direction along west line of Dycus Garage lot a distance of 67 feet to point of beginning of lot herein described; thence run south along east line of Gordon lot and along east line of J. L. Davis lot a distance of 128 feet, more or less, to north bank of a ditch; thence run east along bank of said ditch a distance of 73 feet, more or less, to the west line of lot known as Dycus Residence lot; thence run north along west line of Dycus residence lot a distance of 128 feet; thence run west a distance of 73 feet, more or less, to point of beginning; being situated in Columbiana, Shelby County, Alabama.

Affiant says that the F. M. Hallmark lot mentioned first in that certain deed from Mrs. Sarah Finley and husband to W. H. Mitchell, dated April 24, 1924, recorded in Deed Book 73 page 225 in the Probate Office of Shelby County, Alabama, is the same as the Dycus residence lot as it now known. Affiant further says that the second lot described in said deed lay immediately west of said 36 foot lot mentioned as being the Dycus lot, and ran to the Cromwell lot, but did not extend all the way back to the ditch referred to in said description. Affiant further says the said W. H. Mitchell purchased all of the land along the south side of East College Street from the northwest corner of the Hallmark lot, now known as the Dycus lot, and extending west along said Street to the northeast corner of the Mitchell building, now occupied by Meyers Variety Store. Affiant says W. H. Mitchell went into immediate possession of said lot and used it in connection with buildings which W. H. Mitchell owned on Main Street until September 3, 1924, when W. H. Mitchell sold all of said lot which he purchased from Mrs. Sarah Finley to affiant, except for a 30 foot strip off the west side of said lot. Affiant further says several years prior thereto, affiant had purchased said Hallmark lot mentioned above from F. M. Hallmark and wife, as shown by deed recorded in Deed Book 66 page 487 in said Probate Office. Said Hallmark or Dycus lot was bounded on the east by Mrs. J. Jordan lot and on the west by the Sarah Finley or W. H. Mitchell lot and affiant says the F. M. Hallmark

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lot ran all the way back to the ditch mentioned above. Affiant says after he purchased the lot from W. H. Mitchell, he was in possession of all the Hallmark lot and all of said Mitchell lot except for said 30 foot strip off the west side, which is now known as the Delilah Beauty Shop lot. Affiant says he lived in the dwelling house situated on the Hallmark lot and said Hallmark lot is not a portion of the lot described in detail above, which affiant proposes to sell to Mr. & Mrs. J. A. Tucker. Affiant says he went into immediate possession of said Mitchell lot at the time he purchased it and immediately built a rock filling station on said lot and the same is now known as the Dycus Cab building. Said building was completed in the year 1924 and affiant used the south portion of said lot in connection with said filling station.

Affiant further says he sold L. L. Saxon a one-half interest in the on 9/3/24 mentioned above, and the said Saxon deed was made lot he purchased from W. H. Mitchell/in September, 1926, as shown by deed recorded in Deed Book 79 page 203 in said Probate Office and that he and Mr. Saxon erected an ice plant on the south portion of said lot and we operated the same as a partnership until August 1, 1927, when I bought out the interest of L. L. Saxon in the land and ice plant and from that time on, I have continued to operate said ice plant until this very day, except for a short period of time when I sold it to W. L. Murray and O. K. Murray on July, 7, 1928, and on July 25, 1928, I purchased a one-half interest back from them and in November, 1928, purchased the remaining one-half interest from them.

Affiant further says on November 16, 1945, as shown by deed recorded in Deed Book 123 page 121 in said Probate Office he purchased a lot from J. L. Davis which ran 49.2 feet north and south and 70 feet east and west. It has been called to affiant's attention the deed showed the same as running 90 feet east and west, but it actually runs only 70 feet east and west. Said lot lay south of and between the Sarah Finley lot and said ditch and affiant, after he purchased said Davis lot, owned all the property north of said ditch, south of the L.P. Dycus lot which he sold to Mr. Dycus, ^{in 1928} and east of said 30 foot strip now known as Delilah's Beauty shop and east of the west portion of the old Cromwell lot and west of the Hallmark lot, now known as Dycus residence lot.

Affiant further says there was some defect in the original deed to him and in February, 1946, as shown by deed recorded in Deed Book 123 page 407 in said Probate Office, affiant obtained a statutory warranty deed from Harry Gordon and wife covering a lot 30' X 13'8", but affiant says he had already been in possession of said small lot and had considered it as his own, but he obtained said deed from the Gordons to correct the records and affiant says Harry Gordon

owned all of the interest in said lot theretofore purchased by J. Renfroe Mullins from Birmingham Trust and Savings Company, as Trustee, under the Will of W. H. Mitchell, deceased, as shown by deed recorded in Deed Book 102 page 185 in said Probate Office, but through some inadvertance Harry Gordon failed to record his deed. It is affiant's information that Harry Gordon purchased said interest from J. Renfroe Mullins and affiant thereafter made a mortgage to J. Renfroe Mullins on said property and the title was approved as belonging to affiant and affiant knows the Mullins do not make any claim to the above described land. Affiant further says that no person has ever questioned his ownership of said 30' x 13' 8" strip or his ownership of the property he purchased from J. L. Davis or W. H. Mitchell.

In 1946, affiant built a cement wall along the westerly line along of the lot he purchased from J. L. Davis and/all of the lot described in said deed from Harry Gordon and he built an office building/and garage on a portion of said J. L. Davis lot and he has rented these out to a tenant continuously until this very day.

Sworn to and subscribed to by
C. R. Tinney this 17 day of April,
1961.

C. R. Tinney
C. R. Tinney

Charles Harrison
Notary Public for State
of Ala at Prichard

State of Alabama

Shelby County

Before me, Harold Harrison, the undersigned authority in and for said County in said State, personally appeared Frank Fulton,

who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Frank Fulton. I am 61 years of age and have lived in Columbiana, Alabama for the past 45 years and have all along been familiar with the property described in the foregoing affidavit of C. R. Tinney and know the matters and things set out in said affidavit of C. R. Tinney and know that the same are true and correct.

Frank Fulton

Sworn to and subscribed to before me this 18 day of April, 1961.

Harold Harrison
Notary Public for State of
Alabama

State of Alabama
Shelby County

Before me, Harold Harrison, the undersigned authority in and for said County, in said State, personally appeared J. T. Tinney

who, after being by me first duly sworn to speak the truth, deposes and says:

My name is J. T. Tinney. I am 75 years of age and have lived in Columbiana, Alabama, for the past 25 years and have all along been familiar with the property described in the foregoing affidavit of C. R. Tinney and know the matters and things set out in said affidavit and know that the same are true and correct.

J. T. Tinney

Sworn to and subscribed to before me this the 18 day of April, 1961.

Harold Harrison
Notary Public for State
of Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 3/23/62
RECORDED & S. MTG. TAX
& S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad H. Fowler
JUDGE OF PROBATE